

5:19-CV-167

EXHIBIT A

RUN DATE: 02/06/2019 Bexar County Centralized Docket System Pg: 1 PGM: DKB4900P
 RUN TIME: 16:08:08 JDL: DKJCASEX

DOCKET INFORMATION

CAUSE NUM: 2018CI21023

DATE FILED: 11/01/2018 COURT: 407 UNPAID BALANCE: 0.00

TYPE OF DOCKET: EMPLOYMENT-DISCRIMIN

NICHOLAS ESPINOZA

VS BOYS AND GIRLS CLUBS OF SAN ANTONIO

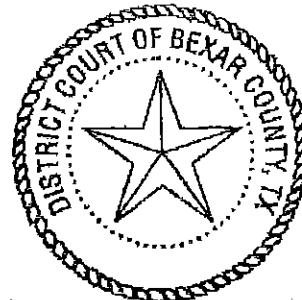
ACCOUNT TYPE:

ACCOUNT NO:

ACCESS: 0

STATUS: PENDING

LIST TYPE: C



LITIGANT INFORMATION

SEQ LAST /FIRST /MIDDLE NAME LIT. TYPE/ATTORNEY DATE

00001 ESPINOZA NICHOLAS PLAINTIFF 11/01/2018
00001 RICHARD, DENNIS L.

00002 BOYS AND GIRLS CLUBS OF SAN ANTONIO DEFENDANT 11/01/2018

SERVICES INFORMATION

SEQ SERVICE TYPE / DATES DIST LITIGANT NAME

00001 CITATION CERTIFIED MAIL 150
ISS: 01/30/2019 REC'D: EXER RET:

ATTORNEY INFORMATION

SEQ DATE FILED BAR NBR. NAME STATUS DATE

00001 11/01/2018 16842600 RICHARD, DENNIS L. SELECTED 11/02/2018

PROCEEDING INFORMATION

SEQ	DATE FILED	REEL	IMAGE	PAGE COUNT
00001	11/01/2018	0000	0000	0000
	DESC: PETITION			
00002	11/01/2018	0000	0000	0000
	DESC: CIVIL CASE INFORMATION SHEET			
00003	01/23/2019	0000	0000	0000
	DESC: JURY FEE PAID			
00004	01/23/2019	0000	0000	0000
	DESC: SERVICE ASSIGNED TO CLERK 3			
00005	01/23/2019	0000	0000	0000
	DESC: REQUEST FOR SERVICE AND PROCES WITH JURY DEMAND			

TRIAL INFORMATION

SEQ DATE FILED COURT SETT. DATE TIME ATTY

ORDER INFORMATION

RUN DATE: 02/08/2019 Bexar County Centralized Docket System Pg: 2 PGH: DKB4900P
RUN TIME: 16:08:08 JCL: DKJCASER

SEQ	DATE FILED	JUDGE NAME	VOLUME	PAGE	PAGE CNT	AMOUNT	SOF
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BOND INFORMATION
SEQ DATE FILED PRINCIPAL





CERTIFIED COPY CERTIFICATE STATE OF TEXAS
I, MARY ANGIE GARCIA, BEXAR COUNTY DISTRICT
CLERK, DO HEREBY CERTIFY THAT THE FOREGOING
IS A TRUE AND CORRECT COPY OF THE ORIGINAL
RECORD NOW IN MY LAWFUL CUSTODY. WITNESS
MY OFFICIAL HAND AND SEAL OF OFFICE ON THIS:

February 08, 2019

MARY ANGIE GARCIA
BEXAR COUNTY, TEXAS

By: _____

JENNIFER VALENCIA, Deputy District Clerk
(NOT VALID WITHOUT THE CLERK'S ORIGINAL SIGNATURE.)

FILED
11/1/2018 3:12 PM
Donna Kay McKinney
Bexar County District Clerk
Accepted By: Maria Jackson

CAUSE NO. **2018CI21023**

NICHOLAS ESPINOZA

IN THE DISTRICT COURT

v.

407th JUDICIAL DISTRICT

**BOYS AND GIRLS CLUBS
OF SAN ANTONIO**

BEXAR COUNTY, TEXAS

**PLAINTIFF'S ORIGINAL PETITION, JURY DEMAND, AND
REQUEST FOR DISCLOSURES**

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COMES, NICHOLAS ESPINOZA, (hereinafter referred to as Plaintiff or "Espinoza"), complaining of and about BOYS AND GIRLS CLUBS OF SAN ANTONIO, (hereinafter referred to as Defendant or "Boys and Girls Clubs", and for cause of action will show unto the Court as follows:

**I.
PARTIES AND SERVICE**

1. Plaintiff, Nicholas Espinoza, is a citizen of the United States and the State of Texas and resides in San Antonio, Bexar County, Texas.
2. Defendant, Boys and Girls Clubs of San Antonio, is a Non-Profit Corporation within the State of Texas and conducting business in San Antonio, Bexar County, Texas.
3. Defendant, Boys and Girls Clubs of San Antonio, may be served with process by delivering a copy of Plaintiff's Original Petition to Angie Mock, Chief Executive Officer of Boys and Girls Clubs of San Antonio, via certified mail return receipt requested at 600 SW 19th Street, San Antonio TX 78207.

II.

JURISDICTION AND VENUE

4. This Court has jurisdiction of this action, as this case arises under the Texas Labor Code Sections 21.051 and 21.055 and damages are within the jurisdictional limit of this court and will continue to increase as this case proceeds to trial. Moreover, venue is proper in Bexar County, Texas, pursuant to the Texas Civil Practice and Remedies Code § 15.002, as all or a substantial part of the events or omissions giving rise to this claim occurred in this county.

**III.
NATURE OF ACTION**

5. This is an action brought pursuant to Texas Labor Code Section 21.051, Section 21.055 and 31 U.S.C. Section 3730(h)(1) to correct and recover for Defendant's unlawful employment practices on the basis of Plaintiff's sex and retaliation for Plaintiff opposing discrimination based upon Plaintiff's sex and for opposing a false claims act against the United States Government.

**IV.
CONDITIONS PRECEDENT**

6. All conditions precedent to jurisdiction have occurred with regard to exhaustion of administrative remedies provided under the relevant statutory administrative scheme.

**V.
FACTS**

7. Krystal Villarreal admitted to an illicit sexual affair with a former Army Youth Professionals in Your Neighborhood (AYPYN) employee that included having sexual intercourse at the facilities and in the rooms designated for the student program funded by the Department of Defense (DOD) program called AYPYN. Espinoza revealed conduct

by Villarreal that amounted to "fake rosters" and "false applications" constituting violations of the False Claims Act. Through the conduct of Manager Villarreal, the Boys and Girls Clubs of San Antonio: 1) knowingly presented or caused to be presented a false or fraudulent claim for payment or approval by the Government; 2) knowingly made, used or caused to be made or used, a false record or statement material to a false or fraudulent claim; and 3) knowingly made, used, or caused to be made or used, a false record or statement material to an obligation to pay or transmit money or property from the Government, or knowingly concealed or knowingly and improperly increased an obligation to pay or transmit money or property from the Government to the Boys and Girls Clubs of San Antonio. It is believed that Villarreal hired relatives for the AYPYN program and these relatives participated in preparing these fake rosters and false applications. Espinoza made the Boys and Girls Clubs aware that Villarreal and her relative employees were falsifying their time spent working under the AYPYN program.

8. Espinoza was subjected to different terms and conditions of employment than those afforded to manager Villareal and this differential treatment amounted to sex discrimination. It was alleged that Plaintiff was terminated for failing to place an inspection sticker on a vehicle. A female co-worker forgot to place a sticker on a vehicle and she was promoted to a Director position. The reasons given for Plaintiff's termination were pretext for the real reasons, opposing false claims act violations and opposing sex discrimination.

VI.
SEX DISCRIMINATION
UNDER § 21.051 OF THE TEXAS LABOR CODE AND RETALIATION FOR
OPPOSING SEX DISCRIMINATION UNDER SECTION 21.055

9. Plaintiff incorporates by reference the allegations contained in paragraphs 1-8 as if fully rewritten herein.
10. Defendant intentionally engaged in unlawful employment practices against Plaintiff on the basis of his sex in violation of Section 21.051 et seq., of the Texas Labor Code.
11. Defendant discriminated against Plaintiff in connection with the compensation, terms, conditions and privileges of employment or limited, segregated or classified Plaintiff in a manner that would deprive or tend to deprive him of an employment opportunity or adversely affect his status because of Plaintiff's sex in violation of Section 21.051 et seq., of the Texas Labor Code.
12. Defendant discriminated against Plaintiff by subjecting him to an adverse employment decision based on her sex.
13. Defendant intentionally retaliated against Plaintiff and engaged in an unlawful employment practice against Plaintiff because he opposed sex discrimination in violation of Section 20.055 of the Texas Labor Code.

VII.
RETALIATION UNDER THE FALSE CLAIMS ACT

14. The False Claims Act Anti-Retaliation Provision is as follows: "Any employee, contractor, or agent shall be entitled to all relief necessary to make that employee, contractor, or agent whole, if that employee, contractor, or agent is discharged, demoted, suspended, threatened, harassed, or in any other manner discriminated against in the terms and conditions of employment because of lawful acts done by the employee, contractor, or agent or associated others in furtherance of an action under this section or **other efforts to stop 1 or more violations of this subchapter**".

Espinoza clearly objected to the fake rosters and false applications constituting false reporting to the Government. Opposition to the conduct of Villareal, in violation of the FCA, and Plaintiff's efforts to stop violations the FCA were proximate causes of his termination.

VIII.
DAMAGES

15. Plaintiff sustained the following damages as a result of the actions and/or omissions of Defendant described hereinabove:

- a. Compensatory Damages (including emotional pain and suffering, inconvenience, mental anguish, loss of enjoyment of life, and other non-economic damages) allowed under the Texas Labor Code.
- b. Economic damages in the form of lost back pay from the date of him being subjected to an adverse employment decision;
- c. Front pay in an amount the Court deems equitable and just to make Plaintiff whole;
- d. Exemplary damages and liquidated damages for Defendant engaging in unlawful intentional employment practices and engaging in discriminatory and retaliatory practices with reckless indifference to state and federal protected rights of an aggrieved individual, like Plaintiff, Nicholas Espinoza.
- e. Attorney's fees pursuant to the Texas Labor Code and 31 U.S.C. Section 3730 (h)(1).

16. Pursuant to Rule 47 of the Texas Rules of Civil Procedure, Plaintiff hereby seeks monetary relief over \$200,000.00 but less than \$1,000,000.00 including costs, expenses, pre- and post-judgment interests, and attorney's fees. Plaintiff further requests that the non-expedited rules apply in this case.

IX.
JURY DEMAND

17. Plaintiff demands a jury trial and tenders the appropriate fee with this petition.

X.
REQUEST FOR DISCLOSURE

18. Under Texas Rule of Civil Procedure 194, Plaintiff requests that Defendant disclose within fifty (50) days of the service of this request the information or material described in Texas Rule of Civil Procedure 194.2.

XI.
PRAYER

WHEREFORE, PREMISES CONSIDERED, Plaintiff, Nicholas Espinoza, respectfully prays that Defendant, Boys and Girls Clubs of San Antonio, be cited to appear and answer herein, and that upon a final hearing of the cause, judgment be entered for the Plaintiff against Defendant for damages in an amount within the jurisdictional limits of the Court, together with interest as allowed by law, costs of court, and such other and further relief to which the Plaintiff may be justly entitled at law or in equity.

Respectfully submitted,

/s/Dennis L. Richard
Dennis L. Richard
SBN: 16842600
LAW OFFICE OF DENNIS L. RICHARD
14255 Blanco Road
San Antonio, TX 78216
Telephone: (210) 308-6600
Telecopier: (210) 308-6939
dennisrichardlaw@gmail.com

PLAINTIFF HEREBY DEMANDS TRIAL BY JURY

FILED

11/1/2018 3:12 PM

Donna Kay McKinney

Bexar County District Clerk

CIVIL CASE INFORMATION SHEET
2018CI21023

COURT (FOR CLERK USE ONLY): 407th

Accepted By: **STYLED** Nicholas Espinoza vs Boys and Girls Clubs of San Antonio
(e.g., John Smith v. All American Insurance Co; In re Mary Ann Jones; In the Matter of the Estate of George Jackson)

A civil case information sheet must be completed and submitted when an original petition or application is filed to initiate a new civil, family law, probate, or mental health case or when a post-judgment petition for modification or motion for enforcement is filed in a family law case. The information should be the best available at the time of filing.

1. Contact Information for person completing case information sheet:		Number of parties to case:	Person(s) entity completing sheet:
Name: Dennis L. Richard	Email: dennislrichardlaw@gmail.com	Plaintiff(s)/Petitioner(s): Nicholas Espinoza	<input type="checkbox"/> Attorney for Plaintiff/Petitioner <input type="checkbox"/> Pro Se Plaintiff/Petitioner <input type="checkbox"/> Title IV-D Agency <input type="checkbox"/> Other:
Address: 14255 Blanco Rd.	Telephone: (210) 308-6600	Defendant(s)/Respondent(s): Boys and Girls Clubs of San Antonio	Additional Parties in Child Support Case: Custodial Parent: Non-Custodial Parent: Presumed Father:
City/State/Zip: San Antonio, TX 78216	Fax: (210) 308-6939	[Attach additional page as necessary to list all parties]	
Signature: /s/Dennis L. Richard	State Bar No: 16842600		

2. Indicate case type, or identify the most important issue in the case (select one):					
Civil					
Contact:	Injury or Damage:	Real Property:	Family Law		
Debt/Contract <input type="checkbox"/> Consumer/DTPA <input type="checkbox"/> Debt/Contract <input type="checkbox"/> Fraud/Misrepresentation <input type="checkbox"/> Other Debt/Contract: Foreclosure <input type="checkbox"/> Home Equity—Expedited <input type="checkbox"/> Other Foreclosure <input type="checkbox"/> Franchise <input type="checkbox"/> Insurance <input type="checkbox"/> Landlord/Tenant <input type="checkbox"/> Non-Competition <input type="checkbox"/> Partnership <input type="checkbox"/> Other Contract: Employment <input type="checkbox"/> Discrimination <input type="checkbox"/> Retaliation <input type="checkbox"/> Termination <input type="checkbox"/> Workers' Compensation <input type="checkbox"/> Other Employment: Tax <input type="checkbox"/> Tax Appraisal <input type="checkbox"/> Tax Delinquency <input type="checkbox"/> Other Tax	Malpractice <input type="checkbox"/> Accounting <input type="checkbox"/> Legal <input type="checkbox"/> Medical <input type="checkbox"/> Other Professional Liability <input type="checkbox"/> Motor Vehicle Accident <input type="checkbox"/> Premises Product Liability <input type="checkbox"/> Asbestos/Silica <input type="checkbox"/> Other Product Liability List Product: <input type="checkbox"/> Other Injury or Damage:	<input type="checkbox"/> Eminent Domain/Condemnation <input type="checkbox"/> Partition <input type="checkbox"/> Quiet Title <input type="checkbox"/> Trespass to Try Title <input type="checkbox"/> Other Property: Religious/Continuity Matters <input type="checkbox"/> Expunction <input type="checkbox"/> Judgment Nisi <input type="checkbox"/> Non-Disclosure <input type="checkbox"/> Seizure/Forfeiture <input type="checkbox"/> Writ of Habeas Corpus—Pre-indictment <input type="checkbox"/> Other:	Marriage Relationship: <input type="checkbox"/> Annulment <input type="checkbox"/> Declare Marriage Void Divorce <input type="checkbox"/> With Children <input type="checkbox"/> No Children Other Family Law <input type="checkbox"/> Enforce Foreign Judgment <input type="checkbox"/> Habeas Corpus <input type="checkbox"/> Name Change <input type="checkbox"/> Protective Order <input type="checkbox"/> Removal of Disabilities of Minority <input type="checkbox"/> Other:	Post-judgment Actions (non-Title IV-D): <input type="checkbox"/> Enforcement <input type="checkbox"/> Modification—Custody <input type="checkbox"/> Modification—Other Title IV-D: <input type="checkbox"/> Enforcement/Modification <input type="checkbox"/> Paternity <input type="checkbox"/> Reciprocals (UIFSA) <input type="checkbox"/> Support Order Parent/Child Relationship: <input type="checkbox"/> Adoption/Adoption with Termination <input type="checkbox"/> Child Protection <input type="checkbox"/> Child Support <input type="checkbox"/> Custody or Visitation <input type="checkbox"/> Gestational Parenting <input type="checkbox"/> Grandparent Access <input type="checkbox"/> Parentage/Paternity <input type="checkbox"/> Termination of Parental Rights <input type="checkbox"/> Other Parent-Child:	
Other Civil				Probate & Mental Health	
Probate/Wills/Intestate Administration <input type="checkbox"/> Dependent Administration <input type="checkbox"/> Independent Administration <input type="checkbox"/> Other Estate Proceedings		<input type="checkbox"/> Lawyer Discipline <input type="checkbox"/> Perpetuate Testimony <input type="checkbox"/> Securities/Stock <input type="checkbox"/> Tortious Interference <input type="checkbox"/> Other:			
Guardianship—Adult <input type="checkbox"/> Guardianship—Minor <input type="checkbox"/> Mental Health <input type="checkbox"/> Other:					

3. Indicate procedure or remedy, if applicable, (may select multiple):			
<input type="checkbox"/> Appeal from Municipal or Justice Court <input type="checkbox"/> Arbitration-related <input type="checkbox"/> Attachment <input type="checkbox"/> Bill of Review <input type="checkbox"/> Certiorari <input type="checkbox"/> Class Action <input type="checkbox"/> Declaratory Judgment <input type="checkbox"/> Garnishment <input type="checkbox"/> Interpleader <input type="checkbox"/> License <input type="checkbox"/> Mandamus <input type="checkbox"/> Post-judgment			
<input type="checkbox"/> Prejudgment Remedy <input type="checkbox"/> Protective Order <input type="checkbox"/> Receiver <input type="checkbox"/> Sequestration <input type="checkbox"/> Temporary Restraining Order/Injunction <input type="checkbox"/> Turnover			
4. Indicate damages sought (do not select legal family law cases):			
<input type="checkbox"/> Less than \$100,000, including damages of any kind, penalties, costs, expenses, pre-judgment interest, and attorney fees <input type="checkbox"/> Less than \$100,000 and non-monetary relief <input type="checkbox"/> Over \$100,000 but not more than \$200,000 <input type="checkbox"/> Over \$200,000 but not more than \$1,000,000 <input type="checkbox"/> Over \$1,000,000			

CERTIFIED MAIL #7018036000052735674



Case Number: 2018-CI-21023

2018CI21023 S89001

NICHOLAS ESPINOZA

vs.

BOYS AND GIRLS CLUBS OF SAN ANTONIO

(Note: Attached document may contain additional litigants.)

CITATION**"THE STATE OF TEXAS"**

DIRECTED TO: BOYS AND GIRLS CLUBS OF SAN ANTONIO

BY SERVING ITS REGISTERED AGENT, ANGIE MOCK, CHIEF EXECUTIVE OFFICER
 600 SW 19TH STREET
 SAN ANTONIO TX 78207-4610

"You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration of twenty days after you were served this CITATION and ORIGINAL PETITION JURY DEMAND, AMD REQUEST FOR DISCLOSURES, a default judgment may be taken against you." Said CITATION with ORIGINAL PETITION JURY DEMAND, AMD REQUEST FOR DISCLOSURES was filed on the 1st day of November, 2018.

ISSUED UNDER MY HAND AND SEAL OF SAID COURT ON THIS 30TH DAY OF January A.D., 2019.

DENNIS L RICHARD
 ATTORNEY FOR PLAINTIFF
 14255 BLANCO RD
 SAN ANTONIO, TX 78216



Mary Angie Garcia
 Bexar County District Clerk
 101 W. Nueva, Suite 217
 San Antonio, Texas 78205

By: Cynthia Gonzales, Deputy

NICHOLAS ESPINOZA
 vs
 BOYS AND GIRLS CLUBS OF SAN ANTONIO

Officer's Return

Case Number: 2018-CI-21023
 Court: 407th Judicial District Court

Came to hand on the 30th day of January 2019, A.D., at 10:30 o'clock A.M. and EXECUTED (NOT EXECUTED) by CERTIFIED MAIL, on the _____ day of _____ 20_____, by delivering to: _____ at 600 SW 19TH STREET SAN ANTONIO TX 78207-4610 a true copy of this Citation, upon which I endorsed that date of delivery, together with the accompanying copy of the CITATION with ORIGINAL PETITION JURY DEMAND, AMD REQUEST FOR DISCLOSURES.

Cause of failure to execute this Citation is _____

Mary Angie Garcia
 Clerk of the District Courts of
 Bexar County, TX
 By: Cynthia Gonzales, Deputy

FILED
1/23/2019 3:04 PM
Mary Angie Garcia
Bexar County District Clerk
Accepted By: Maria Abilez



Cause Number: 2018-CI-21023

District Court : 407th

Donna Kay M^KKinney
Bexar County District Clerk

CITBYCML SAC3

Request for Process

Style: Nicholas Espinoza

Vs. Boys and Girls Clubs of San Antonio

Request the following process: (Please check all that Apply)

- Citation Notice Temporary Restraining Order Notice of Application for Protective Order
 Temporary Protective Order Precept with hearing Precept without a hearing Writ of Attachment
 Writ of Habeas Corpus Writ of Garnishment Writ of Sequestration Capias Other: _____

1.

Name: Boys and Girls Clubs of San Antonio

Registered Agent/By Serving: Angie Mack, Chief Executive Officer of Boys and Girls Clubs of San Antonio

Address 600 SW 19th Street, San Antonio TX 78207

Service Type: (Check One) Private Process Sheriff Commissioner of Insurance SA Express News Hart Beat Courthouse Door
 Certified Mail Registered Mail Out of County Secretary of State Constable Pct _____

(Pct. 3 serves process countywide)

2.

Name: _____

Registered Agent/By Serving: _____

Address _____

Service Type: (Check One) Private Process Sheriff Commissioner of Insurance SA Express News Hart Bent Courthouse Door
 Certified Mail Registered Mail Out of County Secretary of State Constable Pct _____

(Pct. 3 serves process countywide)

3.

Name: _____

Registered Agent/By Serving: _____

Address _____

Service Type: (Check One) Private Process Sheriff Commissioner of Insurance SA Express News Hart Beat Courthouse Door
 Certified Mail Registered Mail Out of County Secretary of State Constable Pct _____

(Pct. 3 serves process countywide)

4.

Name: _____

Registered Agent/By Serving: _____

Address _____

Service Type: (Check One) Private Process Sheriff Commissioner of Insurance SA Express News Hart Beat Courthouse Door
 Certified Mail Registered Mail Out of County Secretary of State Constable Pct _____

(Pct. 3 serves process countywide)

Title of Document/Pleading to be Attached to Process: Plaintiff's Original Petition, Jury Demand, and Request for Disclosures

Name of Attorney/Pro se: Dennis L. Richard Bar Number: 16842600

Address: 14255 Blanco Rd. Phone Number: 210-308-6600
San Antonio, TX 78216

Attorney for Plaintiff x Defendant _____ Other _____

~~IF SERVICE IS NOT PICKED UP WITHIN 7 BUSINESS DAYS, SERVICE WILL BE DESTROYED~~